

REMARKS

The Final Rejection was mailed January 23, 2006. In response to this Final Rejection, a Notice of Appeal was filed on June 22, 2006.

Applicant files herewith an RCE to request further consideration of the claims. An amendment is submitted herewith. Claims 58-62 are amended as suggested by the Examiner by inserting the word “an” before the word “opening,” and thus placing the claims in better form for consideration on appeal. Other claims were amended to clarify the language and place them in better form.

Claims 26, 30-33, 35, 38-44 and 55-57 are canceled.

Entry of the amendment is earnestly requested for the reasons set forth here and in the argument section of the present brief.

In rejecting claims 55-64, the Examiner states that the “original disclosure does not appear to provide support for a (single) biasing element that is operatively coupled at a first end thereof to the handle by a first coupling element, and is operatively coupled at a second end thereof to the blade by a second coupling element as set forth in claims 55, 58, and 62-64. Rather, support is provided for a biasing element 90 that is part of a plunger assembly E, wherein a first end of the plunger assembly is operatively coupled to the handle by a first coupling element 92 and wherein a second end of the plunger assembly is operatively coupled to the blade by a second coupling element 86.”

From this statement, it appears that the Examiner that the Examiner does not find support for *biasing element* as recited in the claims. While the applicant believes that one of ordinary skill would understand this language to include within its scope the plunger assembly (with a spring, as recited in each claim). This language is used in the background of the specification to describe other known devices (*see* page 2, lines 1 and 2), and would be understood by one of ordinary skill in the art as encompassing within its scope, as used in the context of the claims, mechanisms having one or more components that apply a spring bias, such as, for example, the plunger assembly E of the specification, thereby conveying that the inventor had possession of the claimed invention at the time the application was originally filed.

In the application as filed, it is clear that the goal of the invention was to obtain a one-handed knife. Applicant refers to the specification of the issued patent that reads as follows:

It is, therefore, the principal object of this invention to provide a folding knife having a selectively actuatable safety mechanism for allowing the user to lock the blade of a folding knife in an extended position.

It is another object of the present invention to provide a folding knife having means for allowing the blade to be readily opened and extended by persons having limited hand mobility.

It is a further object of the present invention to provide a folding knife having spring-biased means for retaining a blade of a folding knife in a closed position.

It is a still further object of the present invention to provide a method of operating a folding knife constructed in accordance with the present invention.

Col. 1, lines 56-67 and Col 2, lines 1-3.

It is thus clear that there is full support for these claims in the application as filed.

Rejections Under 35 U.S.C. § 102

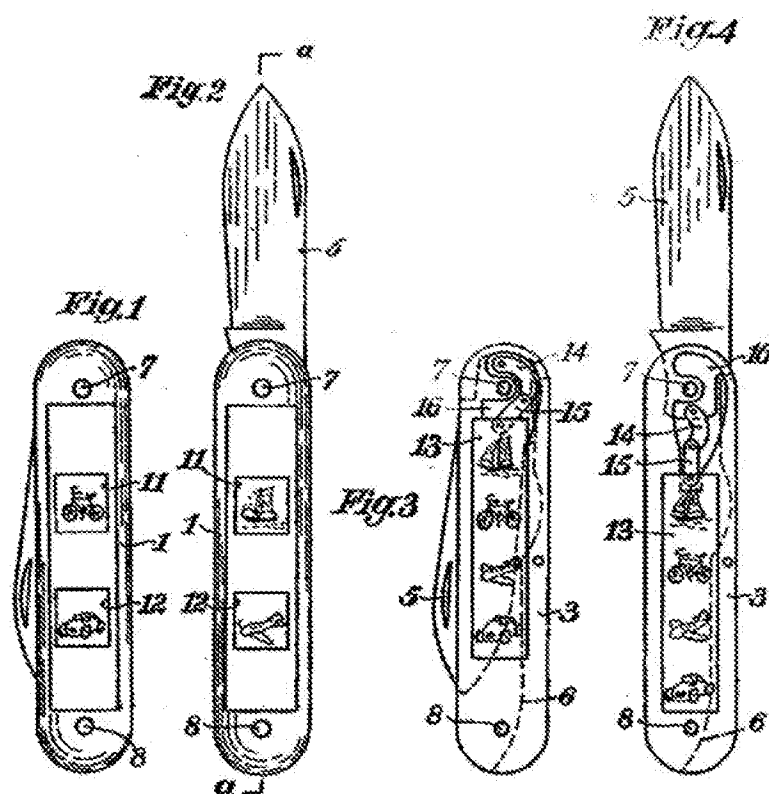
“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claims 12 and 19-21 have been rejected under 35 USC §102(b) as being anticipated by *FP '862*.

The Examiner has failed to present a *prima facie* case of anticipation of claims 12 and 19-21. The Examiner erred in asserting that *FP '862* teaches or enables each of the claimed elements, either expressly or inherently, of the invention as interpreted by one of ordinary skill in the art.

Claim 12 recites, in part, “said plunger assembly includes a clevis having a pin pivotally connected to said first end of said blade” in the extended position while the blade is in the extended position, and to retain the blade in the retracted position while the blade is in the retracted position....”

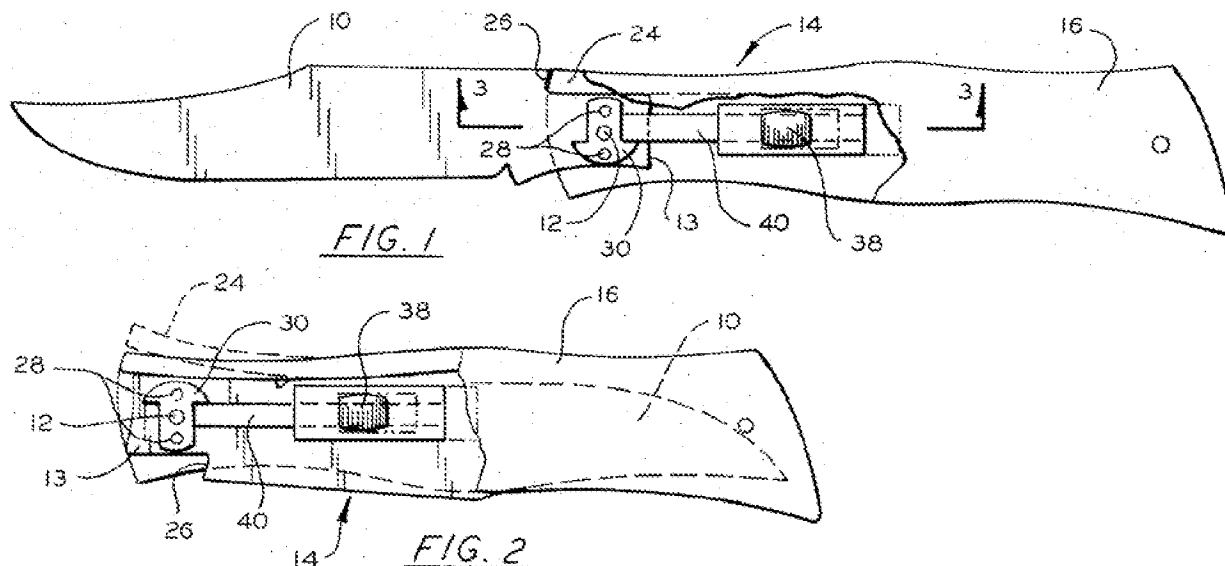
FP ‘862 fails to teach at least this limitation of claim 12. The features of FP ‘862 cited by the Examiner as being analogous to the plunger assembly of claim 12 do not fulfill the functions recited. Figures 1-4 of FP ‘862 are shown below. The Examiner cites elements 14 and 15 as corresponding to the plunger of claim 12. However, it can be seen that these features merely serve to move the decorative panel, 13 up and down as the blade is moved, so that the images on the panel 13 change in the windows 11 and 12. In response to the applicant’s earlier argument to this effect, the Examiner observed that the features 14 and 15 cause “an amount of interference or friction in moving the blade from the extended (i.e., open) position and from the retracted (i.e., closed) position, and thus tends to assist in maintaining the blade in the extended position and ... the retracted position. It is noted that, while the amount of interference and/or friction may be minimal, there is nonetheless interference and/or friction.... Thus, the plunger assembly can be broadly and fairly interpreted as being “configured to maintain the blade in the extended position while the blade is in the extended position and to retain the blade in the retracted position while the blade is in the retracted position.”



One of ordinary skill would recognize that if the decorative features cited by the Examiner were to exert a perceptible drag on operation of the blade, the knife would be considered by to be defective. Conversely, if the decorative features could be made to be completely frictionless in their movement, this would be an ideal arrangement. Furthermore, if the back-spring 3, as shown in Figures 3 and 4, provided by FP '862 to perform these functions were removed, the elements 14 and 15 would be substantially useless in maintaining the blade in the open or closed position, but would allow the blade to flop in or out according to the orientation of the handle relative to gravity, and if the elements were modified to generate sufficient frictional interference to reliably maintain the blade in the closed position, for example, the blade would be virtually immovable from that position, and so again, the mechanism would be useless. Finally, applicant notes that the plain language of the claim recites "configured to maintain ..."; the claims do not recite "configured to assist in maintaining ...," as the language has been interpreted by the Examiner. This being the case, These features

would not be pointed to by one of ordinary skill as being configured to maintain the blade in the extended or retracted positions.

In order to provide a more complete understanding of how the back-spring of FP '862 operates to maintain the blade in the open and closed positions, Figures 1 and 2 of U.S. patent No. 3,868,774 to Miori are provided herebelow, with an accompanying explanation. The Miori patent was made of record in the original prosecution of the present patent.

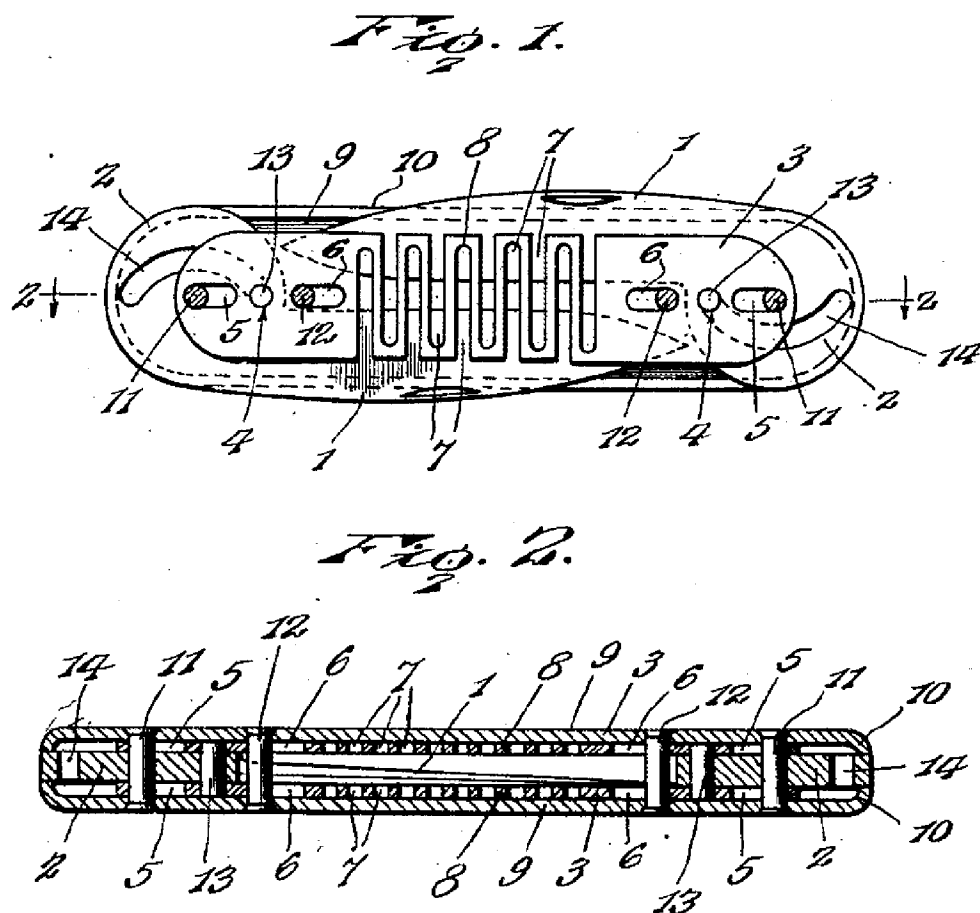


Miori describes the operation of the back-spring, referred to therein as leaf spring 24, beginning at column 3, line 40, as follows:

The blade is folded into and out of what is termed the front side of the handle, leaf spring element 24 (FIG. 2) being arranged along the back of the handle, between liners 18. Spring 24 is anchored at or near the center of the handle and is unattached at the end adjacent tang 13. The pivotal axis of the blade and the dimensions of the tang are such that spring 24 is flexed from its normal position along the back of the handle to the position shown in dotted lines when the blade is moved from one position to the other. When the blade is in either position, spring 24 engages the side of tang 13, resiliently preventing movement away from such position. Also, blade 10 is formed with shoulder 26 along the back edge to engage the end of spring 24 when the blade is fully opened, thus defining the open position of the blade. The construction thus far described is conventional in folding blade knives.

A comparison of Miori's Figures 1 and 2 with Figures 3 and 4 of FP '862 shows that the back-spring is found in both, and as explained by Miori, is a well known device for preventing movement of the blade away from the open and closed positions.

The rejection of claims 23, 29, 45, 52, 55-59, and 62-64 as being anticipated by Brown (1,864,011, hereafter *Brown*) should be removed.



Brown's Figures 1 and 2 are provided above. The pictured knife includes fixed pins 11 and 12, and movable pins 13. the pins 13 are attached to the side plates 3, which are constrained to be longitudinally movable within the constraints imposed by the slots 5, and the ends of the plates 3 are biased toward the center by the spring portion 8 of the plates 3. The user must hold the knife in one hand. Then, the user places a thumbnail or fingernail of the other

hand within the notch in the blade and rotates the blade toward an open position. Because the slot 14 is not a true arc centered on the pivot pin 11, the pin 13 is forced to move to the right, pulling the right end of the plate so that that end slides over the pins 11 and 12. This causes the spring portion to extend, thereby resisting initial movement of the blade, until the blade passes a point at which the slot 14 allows the plate to move back toward the left, beyond which the spring portion is allowed to relax. (*see* Brown, page 2, lines 13-51.)

Thus, it is clear two hands are needed to open the knife of Brown.

Claim 23 has been amended to incorporate the subject matter of claim 26. While the Examiner does not include claim 23 in the list of claims with allowable subject matter, neither does the Examiner assert any grounds for rejecting claim 23. Accordingly, unless the Examiner indicates otherwise, applicant will assume that it was a mere oversight that the claim was not listed among the allowable claims, and will make no argument in support of its allowability. With the subject matter of claim 26 incorporated into claim 23, applicant likewise considers claim 23 to be allowable, pending clarification by the Examiner.

Claim 52 recites, in part, “moving means for moving the blade from the retracted position to the extended position with one hand while holding the knife with the one hand.” Brown fails to anticipate this limitation of claim 52. The Examiner points to the notch between the numerals 7 and 1 of Brown as anticipating this limitation. However, a review of Brown’s Figure 1 shows that to effectively engage the notch with a thumbnail or fingernail, a user must position the knife outward from the user’s hand to permit the upper, curved portion of the thumbnail to nest in the curved portion of the notch. This is consistent with thumb notches provided on a large percentage of folding knives. It is well known in the art that such knives are virtually impossible to open with one hand. Even in the cases where a user can contort his fingers to both hold the knife and partially engage the notch, there is insufficient leverage in that position to overcome the spring bias that holds the blade closed. It is, in fact, for this reason that there has been much effort expended by many in the art to devise mechanisms that permit one-handed opening. The Examiner has merely made a conclusory statement that Brown’s thumb notch would enable be accessible by a finger of a user’s hand, but has provided no illustration or explanation as to how this might be done. Accordingly, the requirements for a *prima facie* case

of anticipation are not met. Brown does not anticipate each limitation of claim 52, which is therefore allowable thereover.

Claim 58 recites, in part, “a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply an opening force to the blade with a finger of the same hand.” Brown fails to anticipate this limitation of claim 58, and accordingly fails to anticipate each element of the claim. Claim 58 is therefore allowable over Brown, together with dependent claims 59-61.

Claim 62 recites, in part, “a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply an opening force to the blade with a finger of the same hand.” Brown fails to anticipate this limitation of claim 58, and accordingly fails to anticipate each element of the claim. Claim 62 is therefore allowable over Brown.

Claim 63 recites, in part, “a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply opening force to the blade with a finger of the same hand.” Brown fails to anticipate this limitation of claim 58, and accordingly fails to anticipate each element of the claim. Claim 63 is therefore allowable over Brown.

Claim 64 recites, in part, “a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply opening force to the blade with a finger of the same hand.” Brown fails to anticipate this limitation of claim 58, and accordingly fails to anticipate each element of the claim. Claim 64 is therefore allowable over Brown.

A combination of Thompson with FP ‘862 is inappropriate. As may be best seen in Thompson’s figure 8, the tang end of the blade 28 extends further along a longitudinal line of the blade than on either side, laterally. This permits the blade to be securely locked by the sliding handle 10 while in the open or closed position. At the same time, the extended portion of the tang provides an effective leverage for a user’s finger as the blade is rotated between the open and closed position.

For it’s part, FP ‘862 includes two basic embodiments. The first embodiment, as pictures in figures 1-6, employs a frame member 6 with an upper portion beyond a narrowed region that is configured to flex outward as the blade 5 is rotated from the open to the closed position, applying pressure to the tang end of the blade and holding it in the opened or closed

position. Such a configuration is well known in the art. The second embodiment, pictured in figures 7-11, includes first and second implements 19 and 20, each having a biased spring 21, 22 configured to apply a constant opening bias to the respective element. Latches 23, 24 hold the respective elements in their closed positions

The Examiner has argued that it would be obvious to combine Thompson's tang having the ribs 30 with FP '862. However, such a combination would render FP '862 inoperative for its intended purpose. The extended tang of Thompson would interfere with the operation of the frame member 6 as it applies a bias to the blade 5. Even if the extended tang were shorted to prevent jamming against the frame number 6, the ribs 30 would sequentially engage the frame member 6 as they passed over, preventing proper operation of the mechanism. If Thompson's tang were combined with the second embodiment of FP '862, the extended tang of one implement would jam against the neighboring implement, preventing its proper operation. Further, because of the presence of the back-to-back implements 19, 20 of FP '862, it would not be possible to have the tang extend beyond the handle for ease of access, as shown in Thompson's figure 8.

In response to this argument, the Examiner states that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one, or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art."

Applicant respectfully disagrees with the Examiner's characterization of the test of obviousness. Before one can evaluate what the combined teachings would suggest, it must first be determined whether it is appropriate to make the combination in the first place, and such a determination requires exactly the analysis that the Examiner has rejected.

Clearly, Thompson cannot be properly combined with FP '862 as suggested by the Examiner, and so the question of what is suggested is moot. Thus, claim 13 is allowable on its own merits apart from its dependence on an allowable base claim.

Conclusion of Rejections Under 35 U.S.C. § 103

Applicants believe that the Examiner has not met his burden of presenting a *prima facie* case of obviousness. The references are either inappropriately combined, or the combination teaches away from the claimed invention. Furthermore, the cited references do not teach or suggest each limitation of the present invention, either individually or in combination.

In summary, applicants believe that the claims argued above are patentable, and not obvious in light of the references cited by the Examiner.

Recapture

In rejecting claims 23-64 under 35 U.S.C. § 251 as being an improper recapture of broadened claim subject matter, the Examiner has not properly applied the test set forth by the Court of Appeals for the Federal Circuit for determining whether a claim includes improper recapture of previously surrendered scope. The Examiner cites a number of decisions by the CAFC in support of his position, including *Pannu v. Storz Instruments Inc.*, 258 F.3d 1366, 59 U.S.P.Q.2d 1597 (Fed. Cir. 2001); *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 U.S.P.Q.2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 U.S.P.Q.2d 1161 (Fed. Cir. 1997); and *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 U.S.P.Q. 289, 295 (Fed. Cir. 1984). However, applicant notes that in *Ex parte Eggert*, 2003 WL 21542454 (Bd.Pat.App & Interf.), 67 U.S.P.Q.2d 1716, the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences has reviewed each of the cases cited by the Examiner, addressed their apparent inconsistencies, and clarified the proper application of the rule relied upon by the Examiner in rejecting these claims. Applicant believes that the Examiner's application of the rule is not consistent with the Appeals Board's instructions. In particular, the Examiner's analysis is based upon a comparison of the rejected claims with the issued claims of the original patent. This is clear, for example, in the Examiner's statement with reference to a claim that was allowed in view of the rule: "While reissue claim 12 is broader than *patent claim 1* in the area of surrender, it does not entirely omit the limitation.... Thus, claim 12 merely recites a broader form of the key limitation added/argued during original prosecution to overcome an art rejection." Office Action of January 23, 2006, page 12, emphasis added.

Meanwhile, the *Eggert* Board states that “The focus for determining the reach of the reissue capture rule should be the claim from which the issued claim directly evolved, not the issued claim itself.” *Id.* at 1718. In fact, the *Eggert* Board specifically rejects a *per se* rule that “after the addition of a claim limitation to secure allowance of a patent, an attempt to subsequently obtain patent protection by reissuing the patent with one or more claims that do not contain that limitation is impermissible....” *Id.* at 1721. Quoting *Ball*, the Board states that “the proper focus is on the scope of the claims, not on the individual feature or element purportedly given up during prosecution of the original application.” *Id.* at 1724.

In reviewing *Hester*, the Board noted that the reason the court found that surrendered subject matter had crept into the reissue claim was that, first, the applicant had repeatedly argued during prosecution of the patent application that two of the limitations were “critical” and “very material” with regard to patentability, and that this constituted an admission that these limitations were necessary to overcome the prior art, and second, that neither of the argued limitations was included in the reissue claims. The Board noted that “Hester recognized that the recapture rule may be avoided in some circumstances where the reissue claims were materially narrowed in respects other than those in which the reissue claims were broadened.... Thus, *Hester* certainly does not support the Examiner’s *per se* rule that ‘after the addition of a claim limitation to secure allowance of a patent, an attempt to subsequently obtain patent protection by reissuing the patent with one or more claims that do not contain that limitation is impermissible because this is not a correctable error.’ On the contrary, *Hester* leaves open the possibility that such reissue claims may avoid the recapture rule where they are materially narrowed in other respects.” *Id.* at 1727 and 1728.

In the present case, during prosecution of the original application, there was no argument on the part of the applicant that one limitation or another was “critical” or “very material,” with regard to patentability. Applicant notes that in the Office Action of July 24, 1997, the Examiner indicates that claims 6-8 would be allowable if rewritten to overcome a rejection under 35 U.S.C. § 112, and to include all of the limitations of the base claim and any intervening claims. In a subsequent interview summary, the Examiner states that “Mr. Epting proposed changes to claim 1 which included some of the subject matter of allowable claim 6.

Proposed language would include a limitation describing the plunger as being slideably carried by the pivotal connector. Mr. Dexter stated that such an amendment appeared to distinguish the present invention over the French patent '740." Applicant notes that the Examiner recognized, and the applicant did not dispute, that inclusion of subject matter from either of claims 7 or 8 would have been equally acceptable to place claim 1 in condition for allowance. Thus, none of the limitations found in any of those claims was considered by any of the parties to be essential to the allowability of the claims. Thus, in the present case, the limitations imposed by *Hester* are not applicable.

In addition to an overly-narrow interpretation of the impermissible recapture rule, the Examiner has not accurately characterized the aspects of the claim that were narrowed to overcome the prior art.

Reproduced below is claim 1 as submitted in the amendment filed on October 24, 1997, in response to the above-referenced Office Action and interview summary. The underlined portions represent the subject matter imported from claim 6 to overcome the prior art. Additional amendments, were made to overcome a rejection under 35 U.S.C. § 112. These amendments were not called out to avoid confusion. The *spring biased* language of this version of claim 1 was later deleted in a subsequent amendment as, apparently, being unnecessarily narrowing.

1. A folding knife, comprising:

a handle defining a blade cavity and a first end;

a blade having a first end and a second end opposite said first end; said first end of said blade having a blade pivot connected to said first end of said handle for allowing pivotal movement of said blade about said blade pivot between an extended position wherein the blade is outside of said blade cavity and a retracted position wherein the blade is substantially within said blade cavity;

a spring-biased plunger carried in said blade cavity having a first end and second end opposite said first end ~~said first end of said plunger including~~ a pivotal connector connected to said handle for pivotally connecting said plunger to said handle, said first end of said plunger being slidably carried by said pivotal connector as said blade moves between said retracted and extended positions; and

said second end of said plunger being pivotally connected to said first end of said blade for orbital movement about said blade pivot as said blade moves between said retracted and extended positions.

One additional change made to claim 1 in the October 24, 1997 amendment is not shown above: what had once been recited as a single limitation of a spring-biased plunger and a pivotal connector connected to the handle was separated into two limitations and the language of claim 6 was added to the second limitation. Thus, the aspects of the claim from which the issued claim directly evolved relate to a biasing mechanism coupled to the handle, and it is to these aspects of the claim that the recapture rule should be applied.

There is clearly no requirement that there be separate elements corresponding to the pivotal connector and the plunger, nor that a slidable relationship be recited. Furthermore, the element corresponding to the plunger can be recited in broader terms without violating the recapture rule.

In contrast, the Examiner has taken a position that the key element of claim 1 is the slidable relationship between the plunger and the pivotal connector, and thus the Examiner has rejected any claim that does not recite such a slidable relationship. *See, for example*, the language quoted from the Office Action, above. Applicant argues that this is improperly restrictive, and that the test should be applied to all aspects of the claim that were narrowed to overcome the art, and that a recitation of the slidable relationship is not essential for allowability of the claims. In *Eggert*, the Board reviewed a case in which an entire limitation that had been added to overcome prior art in the issued patent was omitted from reissue claims 15 and 22, and indicated that this omission was an aspect germane to the prior art rejection. The Board also found that the reissue claims had been narrowed in other aspects related to the rejection, and on that basis considered the claims allowable.

Applicant acknowledges that none of the claims rejected on this grounds recite a slideable relationship as required by the Examiner. However, applicants believe that each of these claims has been narrowed in other aspects related to the surrendered subject matter, and that each of the claims is also narrower, overall, than patent claim 1.

Claim 23 recites, in part,

a plunger including a spring, the plunger pivotally connected to the blade at a first end, and operatively coupled to the handle at a second end, the spring being maximally deformed when the blade is pivoted to an intermediate point between the extended position and retracted position, thereby causing the spring to assist opening of the blade when the blade is pivoted from the retracted position toward the extended position beyond the intermediate point.

While claim 23 does not include the language from the original claim 6, claim 23 recites a spring, as well as characteristics of the spring as it relates to movement of the blade. Claim 23 also recites “a safety member connected to said handle for movement between a locking position and an unlocking position...;” which is a limitation unrelated to the previous narrowing aspect of the claim. Accordingly, claim 23 does not impermissibly recapture surrendered subject matter, and is therefore allowable.

Claim 34 recites, in part,

an elongate, force-transmitting biasing spring having an variable length, the spring operatively attached between said blade and said handle via a pivotal connection between said spring and said handle, where said spring exhibits both an increase and a decrease in the variable length of the spring, as said blade is moved from the stowed condition to the deployed condition

Claim 34 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the force transmitting biasing spring, and also narrowed in an aspect not related to the surrendered subject matter by the recitation of the action of the spring on the blade.

Claim 52 recites, in part,

biasing means for holding the blade in the retracted position in the handle while the blade is in the retracted position and for biasing the blade toward the extended position relative to the handle when the blade is moved from the retracted position past a point of maximum bias toward the extended position

It can be seen that claim 52 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the biasing means, including the plunger, and is also narrowed in an aspect not related to the surrendered subject matter by the recitation of the action of the biasing means on the blade.

Claim 58 recites, in part,

a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply an opening force to the blade with a finger of the same hand; a biasing element including a spring; a first coupling element operatively coupling

a first end of the spring-biased mechanism to the handle; and a second coupling element operatively coupling a second end of the spring-biased mechanism to the blade.

Claim 58 includes the spring-biased mechanism, which reads, for example, on the plunger of claim 1, and the first coupling element, which reads on the connector of claim 1.

Claim 58 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the spring bias and is also narrowed in an aspect not related to the surrendered subject matter by the recitation of the contact element on the blade.

Claim 62 recites, in part,

a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply an opening force to the blade with a finger of the same hand; a biasing element including a spring, configured to apply a closing force to the blade while the blade is in the retracted position; a first coupling element operatively coupling a first end of the biasing element to the handle; and a second coupling element operatively coupling a second end of the biasing element to the blade.

Claim 62 includes the biasing element including a spring, which reads, for example, on the plunger of claim 1, and the first coupling element, which reads on the connector of claim 1. Claim 62 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the spring bias of the biasing element, and is also narrowed in an aspect not related to the surrendered subject matter by the recitation of the contact element on the blade.

Claim 63 recites, in part,

a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply opening force to the blade with a finger of the same hand; a biasing element including a spring, configured to resist rotation of the blade toward the extended position while the blade is in the retracted position; a first coupling element operatively coupling a first end of the biasing element to the handle; and a second coupling element operatively coupling a second end of the biasing element to the blade.

Claim 63 includes the spring-biased mechanism, which reads, for example, on the plunger of claim 1, and the first coupling element, which reads on the connector of claim 1.

Claim 63 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the spring bias of the spring biased mechanism, and is also narrowed in an aspect not related to the surrendered subject matter by the recitation of the contact element on the blade.

Claim 64 recites, in part,

a contact element on the blade, positioned such that a user, holding the knife in one hand, can apply opening force to the blade with a finger of the same hand; a biasing element including a spring, configured to apply no opening force to the blade while the blade is in the retracted position; a first coupling element operatively coupling a first end of the biasing element to the handle; and a second coupling element operatively coupling a second end of the biasing element to the blade.

Claim 64 includes the spring-biased mechanism, which reads, for example, on the plunger of claim 1, and the first coupling element, which reads on the connector of claim 1.

Claim 64 is narrowed in an aspect related to the surrendered subject matter by the inclusion of the spring bias of the spring biased mechanism, and is also narrowed in an aspect not related to the surrendered subject matter by the recitation of the contact element on the blade.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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